

AMENDED IN SENATE AUGUST 31, 2016

AMENDED IN SENATE AUGUST 19, 2016

AMENDED IN ASSEMBLY APRIL 12, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2561

Introduced by Assembly Member Irwin

February 19, 2016

An act to amend and repeal Section 10912 of the Water Code, relating to water ~~supply~~, *supply, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL’S DIGEST

AB 2561, as amended, Irwin. Water supply planning: projects: photovoltaic or wind energy generation facility.

Existing law requires a city or county that determines that a project, as defined, is subject to the California Environmental Quality Act to identify any public water system that may supply water for the project and to request those public water systems to prepare a specified water supply assessment. If no public water system is identified, the city or county is required to prepare the water supply assessment.

Existing law defines “project” for purposes of these provisions as, among other things, a project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project. For a public water system that has fewer than 5,000 service connections, existing law defines “project” as development that would account for a specified increase in the number of service connections. Existing law, until January 1, 2017, exempts from the definition of “project” a proposed photovoltaic or wind energy

generation facility that would demand no more than 75 acre-feet of water annually.

~~This bill would remove the January 1, 2017, sunset date, which would indefinitely exempt~~ *would, until January 1, 2018, exempt* the above-described proposed photovoltaic or wind energy generation facilities from the definition of “project.” The bill would thereby extend the duties on local agencies with respect to determining whether a project is subject to the water supply assessment requirements, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 10912 of the Water Code, as amended
- 2 by Section 1 of Chapter 588 of the Statutes of 2011, is amended
- 3 to read:
- 4 10912. For the purposes of this part, the following terms have
- 5 the following meanings:
- 6 (a) “Project” means any of the following:
- 7 (1) A proposed residential development of more than 500
- 8 dwelling units.
- 9 (2) A proposed shopping center or business establishment
- 10 employing more than 1,000 persons or having more than 500,000
- 11 square feet of floor space.
- 12 (3) A proposed commercial office building employing more
- 13 than 1,000 persons or having more than 250,000 square feet of
- 14 floor space.
- 15 (4) A proposed hotel or motel, or both, having more than 500
- 16 rooms.

1 (5) (A) Except as otherwise provided in subparagraph (B), a
2 proposed industrial, manufacturing, or processing plant, or
3 industrial park planned to house more than 1,000 persons,
4 occupying more than 40 acres of land, or having more than 650,000
5 square feet of floor area.

6 (B) A proposed photovoltaic or wind energy generation facility
7 approved on or after October 8, 2011, is not a project if the facility
8 would demand no more than 75 acre-feet of water annually.

9 (6) A mixed-use project that includes one or more of the projects
10 specified in this subdivision.

11 (7) A project that would demand an amount of water equivalent
12 to, or greater than, the amount of water required by a 500 dwelling
13 unit project.

14 (b) If a public water system has fewer than 5,000 service
15 connections, then “project” means any proposed residential,
16 business, commercial, hotel or motel, or industrial development
17 that would account for an increase of 10 percent or more in the
18 number of the public water system’s existing service connections,
19 or a mixed-use project that would demand an amount of water
20 equivalent to, or greater than, the amount of water required by
21 residential development that would represent an increase of 10
22 percent or more in the number of the public water system’s existing
23 service connections.

24 (c) “Public water system” means a system for the provision of
25 piped water to the public for human consumption that has 3,000
26 or more service connections. A public water system includes all
27 of the following:

28 (1) Any collection, treatment, storage, and distribution facility
29 under control of the operator of the system that is used primarily
30 in connection with the system.

31 (2) Any collection or pretreatment storage facility not under the
32 control of the operator that is used primarily in connection with
33 the system.

34 (3) Any person who treats water on behalf of one or more public
35 water systems for the purpose of rendering it safe for human
36 consumption.

37 (d) *(d) This section shall remain in effect only until January 1,*
38 *2018, and as of that date is repealed, unless a later enacted statute,*
39 *that is enacted before January 1, 2018, deletes or extends that*
40 *date.*

1 ~~SEC. 2. Section 10912 of the Water Code, as added by Section~~
2 ~~2 of Chapter 588 of the Statutes of 2011, is repealed.~~

3 *SEC. 2. Section 10912 of the Water Code, as added by Section*
4 *2 of Chapter 588 of the Statutes of 2011, is amended to read:*

5 10912. For the purposes of this part, the following terms have
6 the following meanings:

7 (a) “Project” means any of the following:

8 (1) A proposed residential development of more than 500
9 dwelling units.

10 (2) A proposed shopping center or business establishment
11 employing more than 1,000 persons or having more than 500,000
12 square feet of floor space.

13 (3) A proposed commercial office building employing more
14 than 1,000 persons or having more than 250,000 square feet of
15 floor space.

16 (4) A proposed hotel or motel, or both, having more than 500
17 rooms.

18 (5) A proposed industrial, manufacturing, or processing plant,
19 or industrial park planned to house more than 1,000 persons,
20 occupying more than 40 acres of land, or having more than 650,000
21 square feet of floor area.

22 (6) A mixed-use project that includes one or more of the projects
23 specified in this subdivision.

24 (7) A project that would demand an amount of water equivalent
25 to, or greater than, the amount of water required by a 500 dwelling
26 unit project.

27 (b) If a public water system has fewer than 5,000 service
28 connections, then “project” means any proposed residential,
29 business, commercial, hotel or motel, or industrial development
30 that would account for an increase of 10 percent or more in the
31 number of the public water system’s existing service connections,
32 or a mixed-use project that would demand an amount of water
33 equivalent to, or greater than, the amount of water required by
34 residential development that would represent an increase of 10
35 percent or more in the number of the public water system’s existing
36 service connections.

37 (c) “Public water system” means a system for the provision of
38 piped water to the public for human consumption that has 3,000
39 or more service connections. A public water system includes all
40 of the following:

1 (1) Any collection, treatment, storage, and distribution facility
2 under control of the operator of the system that is used primarily
3 in connection with the system.

4 (2) Any collection or pretreatment storage facility not under the
5 control of the operator that is used primarily in connection with
6 the system.

7 (3) Any person who treats water on behalf of one or more public
8 water systems for the purpose of rendering it safe for human
9 consumption.

10 (d) This section shall become operative on January 1, ~~2017~~.
11 2018.

12 SEC. 3. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.

17 *SEC. 4. This act is an urgency statute necessary for the*
18 *immediate preservation of the public peace, health, or safety within*
19 *the meaning of Article IV of the Constitution and shall go into*
20 *immediate effect. The facts constituting the necessity are:*

21 *In order to encourage the development of photovoltaic and wind*
22 *generation facilities to meet the state's renewable portfolio*
23 *standard and greenhouse gas emission reduction goals, it is*
24 *necessary for this act to take effect immediately.*